

REMARKS

Claims 1-8, 11-39, 42-70, 73-101 and 104-124 are pending in the application.

Claims 1-8, 11-39, 42-70, 73-101 and 104-124 have been rejected.

Claims 1, 30, 32, 61, 63, and 94 have been amended.

Claims 28, 29, 59, and 60 have been cancelled.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-8, 15-39, 46-70, 77-101 and 108-124 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over U.S. Patent No. 6,308,238 issued to Smith, et al., (“Smith”) in view of U.S. Patent No. 6,003,064 issued to Wicki, et al., (“Wicki”). Applicants respectfully traverse this rejection. Applicants respectfully submit that the cited portions of Smith and Wicki, taken alone or in combination, fail to disclose all elements of Applicants claims.

In particular, Applicants respectfully submit that the proposed combination fails to disclose determining that a second network element requires additional data, where the determining is performed by a first network element without the additional data being requested by the second network element, pushing data from a receive buffer to a transmit buffer in response to the determining, and transferring the additional data to the second network element without the additional data being requested by the second network element, as recited by amended claim 1. As noted in the Specification, such features can help reduce bandwidth consumption and latency due to data requests between a client and proxy. *See, e.g.*, Specification, p. 10, lines 11-15.

Applicants respectfully submit that such features are not disclosed, nor advantages attained, by the teachings of Smith and Wicki. Applicants note that Smith is directed to a scheme for allocating buffers and does so only when a data request is detected. *See, e.g.*, Smith, 2:38-60. Similarly, Wicki describes a system which relies upon receipt of a data request to transmit data. *See, e.g.*, Wicki, 5:50-52. Thus, the cited

portions of Smith and Wick, taken alone or together, fail to disclose the claimed acts of determining a network element requires additional data, pushing the additional data from a receive buffer to a transmit buffer, and transferring the additional data without the additional data being requested by the network element.

For at least the foregoing reasons, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to claims 1 and 32, 63, and 94, which contain similar features, as well as all claims that depend therefrom, an indication of the allowability of same.

Claims 11, 13, 42, 44, 73, 75, 104, and 106 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Smith in view of Wicki and in further view of U.S. Patent No. 5,920,732 issued to Riddle ("Riddle"). Claims 12, 14, 43, 45, 74, 76, 105 and 107 stand rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Smith in view of Wicki and in further view of U.S. Patent No. 5,687,392 issued to Radko ("Radko"). Applicants respectfully traverse these rejections and submit that these claims are allowable for at least the foregoing reasons, as well as by virtue of depending from allowable base claims. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at (512) 439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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